

THE MIDTOWN ALEXANDRIA STATION CONDOMINIUM ASSOCIATION

Policy Resolution No. 08-07

(Rules and Regulations Regarding Pets)

WHEREAS, Article III, Section 3.1 of the Bylaws of The Midtown Alexandria Station Condominium Association ("Bylaws") assigns to the Board of Directors ("Board") all of the powers and duties necessary for the administration of the affairs of The Unit Owners Association ("Association") and provides that the Board may do all such acts and things as are not prohibited by the Condominium Act, the Declaration or by the Bylaws required to be exercised and done by the Association;

WHEREAS, Article III, Section 3.1(6) of the Bylaws provides that the Board shall have the power to adopt rules and regulations;

WHEREAS, Article X, Section 5.8(a)(8) of the Bylaws prohibits unit owners from keeping any animals, except for keeping of small orderly domestic pets, guide animals and aquarium fish, subject to the limitation that no unit owner shall keep or maintain in excess of one orderly domestic pet, without the approval of the Board;

WHEREAS, Article X, Section 5.8(a)(8) of the Bylaws provides that any pet that causes or creates an unreasonable nuisance or disturbance or noise may be permanently removed from the property upon ten days written notice from the Board of Directors;

WHEREAS, Article X, Section 5.8(a)(8) of the Bylaws requires that pets shall not be permitted on the common elements of the Condominium unless accompanied by someone who can control the pet and the pet is carried or leashed;

WHEREAS, Article X, Section 5.8(a)(8) of the Bylaws requires that all pets be registered with the Board and shall otherwise be registered and inoculated as required by law;

WHEREAS, Article X, Section 5.8(a)(8) of the Bylaws empowers the Board to establish reasonable fees for the registration of pets not to exceed the additional cost incurred by the Association resulting from the presence of the pet; and

WHEREAS, for the health, safety, welfare, comfort, and convenience of all unit owners, the Board wishes to establish uniform regulations for the keeping of pets;

NOW, THEREFORE, BE IT RESOLVED THAT the following pet policies be adopted by the Board:

I. ALLOWED PETS

Only one orderly domestic pet is permitted within any unit or upon any part of the common elements. Notwithstanding this limitation, the Board of directors may permit a

resident to have second pet upon the written request from a resident. The term "orderly domestic pets" includes only the following animals:

1. small, domesticated dogs (40 lbs. or less);
2. domesticated cats;
3. caged, domesticated birds;
4. caged hamsters, gerbils, ferrets, and guinea pigs;
5. caged, domesticated mice and rats;
6. caged, domesticated rabbits;
7. small turtles and tortoises maintained in a terrarium; and
8. aquarium fish.

II. REGISTRATION OF PET WITH ASSOCIATION

- A. All residents are required to register their pets with the Association. In order to register their pets with the Association, residents must fill out the Pet Registration Form and provide the Association's management office ("Management") with all required information. Residents must provide the Management with proof that their pet (i) has all legally required inoculations and vaccines; and (ii) has obtained all permits or registrations required by County law.
- B. Residents are required to maintain and renew all registrations and inoculations, as required by County law, and provide renewals to Management.

III. REQUIREMENTS AND RESTRICTIONS

- A. Pet owners are responsible for the immediate removal and proper disposal of any fecal matter left by their pets on the common elements.
- B. Pets are not permitted upon the common element hallways or lobby areas unless they are carried or leashed and solely for the purpose of entering and exiting the building. At all times, the pet must be under the control of its owner. Pets are not permitted, at any time and under no circumstances, upon any common element amenity areas including, the pool, grill deck, cyber café, fitness center, guest suite, party room and locker room areas.
- C. No pet may be leashed to any stationary object on the common elements and left unattended.
- D. Pet owners are responsible for any property damage, injury or disturbances their pet may cause or inflict.
- E. Commercial breeding of pets anywhere within the Condominium is prohibited.

- F. All pet owners must comply with all required registrations and inoculations enforced by the County in order to keep a pet within the Condominium, and the pet must display appropriate tags evidencing ownership and compliance with all required registrations and inoculations.
- G. Any owner of a female animal in heat must keep the pet confined in the owner's unit in such a manner that she will not be in contact with another animal of the same species nor create a nuisance by attracting other animals.

IV. NUISANCES

The following shall be grounds for complaint and finding of a community nuisance:

- A. Pets running at large;
- B. Pets damaging, soiling, defecating on or defiling any private property or the common elements;
- C. Pets causing unsanitary, dangerous, or offensive conditions;
- D. Pets making or causing noises of sufficient volume to interfere with other residents' rest or peaceful enjoyment of the property;
- E. Pet owners causing or allowing any pet to molest, attack, or otherwise interfere with the freedom of movement of persons on the common elements, to chase vehicles, to attack other pets, or to create a disturbance in any other way;
- F. Any female animal in heat kept in such a manner so as to attract other animals;
- G. Pets not safely kept in a vehicle anywhere in the parking facility.
- H. Pets demonstrating dangerous or vicious behavior. "Dangerous or vicious behavior" is defined as threatening or aggressive behavior, attacking, inflicting injury on, or causing harm to a person or a companion animal.

V. PROCEDURES FOR RESOLVING PET PROBLEMS

Any resident who has observed a pet creating a nuisance or an unreasonable disturbance or noise should do the following:

- A. Attempt to solve the problem with the pet owner in a courteous and helpful manner.
- B. If personal attempts at a solution fail, then the resident should file a

written complaint with the Managing Agent which documents the problem as thoroughly as possible. The complaint should include identification of the pet(s) involved, a complete description of the problem or disturbance, and the dates and times of disturbances (whenever possible) as well as a brief description of informal attempts to solve the problem. The complainant has the right to keep their identity confidential from the owner of the pet at issue.

- C. The Managing Agent will first attempt to obtain an informal solution to the problem. If such a solution is not possible, the Managing Agent will refer the matter to the Board of Directors or Covenants Committee, which shall reserve the power to direct a resident to permanently remove their pet from the premises upon the delivery of ten (10) days prior written notice, which may be sent by first class mail or by hand delivery.

VI. ENFORCEMENT

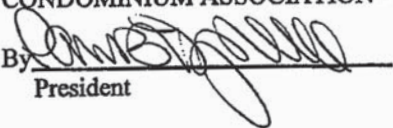
- A. The Association shall be permitted to take all actions authorized by the Association's Declaration, Bylaws, policy resolutions and the Virginia Condominium Act, including but not limited to, the imposition of monetary charges and the suspension of a unit owner's membership rights as provided under the Association's enforcement policy and the Virginia Condominium Act.
- B. All landlord unit owners are responsible for the conduct of their tenants. If a Renter violates this policy causes damage to the premises that exceed the security deposit, the Association shall hold the unit owner responsible for such conduct and costs and reserves the right to take appropriate action against the unit owner, including, but not limited to, assessment of penalties and the assessment of damage costs against the title to the landlord's unit.
- C. This policy shall not be deemed to be an election of remedies. The Board of Directors reserves all of its powers to enforce this policy, and to take any other action available under the Association's Bylaws, rules and regulations, are applicable law, including, but not limited to: (a) the imposition of a fine against the account of an owner in violation, (b) the filing of a complaint with the property County Authority; or (c) filing suit in Fairfax County General District Court.
- D. As provide in Section V., C., the Association reserves the power to direct a resident to permanently remove their pet from the premises upon the delivery of ten (10) days prior written notice, which may be sent by first class mail or by hand delivery.

VII. MISCELLANEOUS

- A. Residents should report a) suspected stray pets or b) any incidents of bites, attacks, or diseased animals to the appropriate County Animal Control Unit (for possible identification), then to the Managing Agent.
- B. As specifically set forth in Article X, Section 5.8(a)(8) of the Bylaws, any Unit Owner or resident who keeps or maintains any pet upon any portion of the Condominium shall be deemed to have indemnified and agreed to hold the Association and each Unit Owner free and harmless from any loss, claim or liability of any kind or character whatsoever arising by reason of keeping or maintaining such pet within the Condominium.

Enacted this 21st day of April, 2008.

THE MIDTOWN ALEXANDRIA STATION
CONDOMINIUM ASSOCIATION

By 
President